DOCUMENT RESUME

ED 073 272 VT 018 890

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TITLE	What Every Employer Needs to Know about OSHA Recordkeeping.
INSTITUTION	Bureau of Labor Statistics (DOL), Washington, D.C.
REPORT NO	BLS-R-412
PUB DATE	72
NOTE	34p.
EDRS PRICE	MF-$0.65 HC-$3.29
DESCRIPTORS	Employees; *Federal Legislation; First Aid; *Health; *Injuries; Labor Conditions; Labor Standards; Medical Services; Occupational Diseases; *Recordkeeping; Resource Guides; *Safety
IDENTIFIERS	*Occupational Safety and Health Act of 1970

ABSTRACT

This publication presents answers to the questions most frequently asked by employers concerning injury and illness recordkeeping and reporting requirements under the Wiliams-Steiger Occupational Safety and Health Act of 1970. Under this Act, the Bureau of Labor Statistics of the U.S. Department of Labor is held responsible for the recordkeeping and reporting requirements. Topics of concern are listed alphabetically for easy reference. Addresses of Occupational Safety and Health Administration regional offices are appended, in addition to charts depicting the conditions necessary for recording occupational injuries or illnesses under this act. (AG)

What Every Employer Needs To Know About OSHA RecordKeeping

Report 412

U. S. DEPARTMENT OF LABOR
Bureau of Labor Statistics

1972

ED 073272

VT010860

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U.S. DEPARTMENT OF LABOR
James D. Hodgson, Secretary

BUREAU OF LABOR STATISTICS
Geoffrey H. Moore, Commissioner

1972

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Preface

This bulletin makes available in one publication the most frequently asked questions regarding injury and illness record-keeping and reporting requirements under the Williams-Steiger Occupational Safety and Health Act of 1970.

The Bureau of Labor Statistics of the U.S. Department of Labor is charged with the responsibility for the recordkeeping system and reporting requirements under the act. The following answers to the questions asked by employers makes this bulletin extremely useful for reference purposes.

The bulletin was prepared in the Office of Occupational Safety and Health Statistics by Jayne Lowe, under the general direction of William Mead, Chief of the Division of Periodic Surveys, and with cooperation of the Regional Offices of the Bureau of Labor Statistics.

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The Occupational Safety and Health Act

AGRICULTURE

1. Q. Describe how the farmer is covered, since coverage relates only to interstate commerce?

A. Farmers are covered because they "affect commerce." They are required to keep records in basically the same form as the rest of industry. BLS has distributed to all farm employers a special package which is tailored to the agricultural segment of the economy.

ALLEGED INJURY OR ILLNESS

2. Q. What about alleged occupational illnesses that can be disputed or refuted? When should they be recorded or reported?

A. The employer, or his designee, has 6 working days within which to determine whether an illness or injury is recordable. Any log entry may be lined out if it is determined later that the case was not work-related.

3. Q. If an employer decides that an injury is not work-related, and the victim at a later date establishes—by legal action or other means—that the injury is work-related, how is this recorded?

A. This case should be entered in the log when it is determined to be recordable. The actual date of injury should be entered in column 2 of the log.

4. Q. If an employee claims an occupational illness and the company disagrees, what will OSHA do if a complaint is made by the employee?

A. The complaint probably would be investigated. The employer should be prepared to defend his decision. Perhaps the best advice to an employer is to make a record of a doubtful case on the log and if it is later determined not to be work-related, line it out.

5. Q. Suppose a person says he hurt his back 2 weeks ago, but there was no record or report of it at that time. Is it subsequently reportable?

A. Yes, if it is established that the back injury was work-related; it should be included on the log, even though the determination was made subsequently. The actual date of injury should be entered in column 2 of the log.

6. Q. If an employee alleges he is unable to work because of conditions in the plant—an oil mess or a similar situation—who is to determine whether the absence is reportable?

A. The employer has to make the determination. The question does not mention an injury or illness. If there is not, there is nothing to record.

7. Q. What entries, if any, need to be made in those instances of employer-employee disputes involving State workmen's compensation measures to determine the facts related to alleged injuries or deaths?

A. OSHA regulations are different from regulations under workmen's compensation. There will be cases in which the employee may not be covered by workmen's compensation, but which must be recorded under OSHA.

AMPUTATION

8. Q. Is there a provision involving amputation of part of a finger or toe that does not result in lost workdays?

A. Any amputation would almost certainly involve medical treatment, other than first aid. Any case involving any medical treatment is recordable. Under the OSHA recordkeeping system, the old system of standard time charges for a specific injury is no longer being used. Time charges are equal to the number of actual workdays lost.

BACK INJURY

9. Q. Are there specific requirements with respect to back cases or hernia cases similar to those in Z16.1?

A. No.

10. Q. Suppose a person says he hurt his back 2 weeks ago, but there was no record or report of it at that time. Is it subsequently reportable?

A. (See answer No. 5 under "Alleged Injury or Illness.")

BLS SAMPLE

11. Q. When will an establishment have to send its summary to the Bureau of Labor Statistics?

A. First, the summary (OSHA 102) must not leave the establishment. The summary, the log, and the supplementary records must be maintained in the establishment for 5 years following the period of reference. However, BLS will mail report forms to a sample of employers. In January 1973, forms will be mailed to about 200,000 employers. Some of these forms may come directly from BLS in Washington, but most will come from a cooperating State agency, and will be returned to that agency. The injury and illness portion of the form will be an exact copy of the summary form, so that the employer need only copy that information. The form also will contain questions about principal products, average employment, and hours worked to enable BLS to classify the establishment properly and to calculate accurate incidence rates.

CALENDAR YEAR RECORDS

12. Q. Does recordkeeping go on a calendar-year basis January to December or will it be on a split year basis July through June?

A. The initial recordkeeping period was for 6 months, July 1, 1971, to December 31, 1971. The calendar-year (January 1 to December 31) reporting requirement became effective January 1, 1972.

CASUAL EMPLOYEES

13. Q. In casual day-to-day employment, a worker is injured and does not return to the original employer. How is the lost time determined?

A. First, the employer may not always be as innocent as that question suggests. If this is an injury which is going to be compensable, and for which there are going to be medical costs, the employer does know something about it. But there are cases in which, after a few days, the employer never hears from the person again. You cannot continue to count lost workdays in these cases, so these should be considered as a termination of employment.

CONFIDENTIALITY

14. Q. Do employees or their representatives have freedom of access to the supplementary record and log as well as the summary?

A. No. Neither employees nor their representatives have access to the supplementary record or the log. The summary, of course, must be posted for the information of employees.

15. Q. Are these records restricted in use? Could an injured employee use these by court order as evidence in civil suit?

A. Section 4(b)(4) of the act says that "nothing in this Act shall be construed to supersede or in any manner affect any workmen's compensation law . . .".

CONSISTENCY

16. Q. We have plants in Iowa and Illinois. It appears that the various area directors will have different interpretations of the standards, etc. What will you do to have uniformity so we can plan corporate program standards for all of our plants?

A. BLS cannot speak for the standards, only for the recordkeeping system. BLS in Washington has been in touch with its various regional directors, and feels relatively sure that positions will be consistent. It is mandatory under the regulation that if a petition for recordkeeping exception is approved by the regional office it has to be published in the Federal Register. The hot glare of public scrutiny will assure that our decisions are consistent from one region to another. It has to be that way.

CONSTRUCTION INDUSTRY

17. Q. Will a construction contractor have to maintain records at each individual job site, or can the records be maintained at the regional or central office?

A. Various situations are involved here. Certainly for someone who has a plumbing shop with five trucks operating out of it and going to different sites every day, the establishment is the shop.

If employees report each day to a given job site and the employer is able to maintain records for it, we would assume that such a site constituted an establishment.

18. Q. Will the general contractor with 10 offices and perhaps 70 to 80 projects underway keep records, etc., on the individual location basis and report the same way; or, must these records be consolidated at the home office with a single report?

A. If projects are on-going, the records should be maintained at the local level. If the situation is one where a small contractor has a number of trucks going out from a central location, the records should be kept at the central establishments.

CONTRACT LABOR

19. Q. How about Adam and Manpower and the type of employers who rent workers out by the day to do a specific job in a plant. Are these employers considered as contractors employed by the plant?

A. Yes.

20. Q. If an employee who is working in a plant on a contract basis is injured, is he recorded on the plant records or on the records of the contractor?

A. The contractor is responsible for his employee's safety, so the contractor would record this injury on his records.

COVERAGE BY ACT (OSHA)

21. Q. Since all establishments engaged in interstate commerce are governed by the act, how do you identify such an establishment? For example, is a local grain elevator or farm feed and seed retail store covered?

A. First, the question contains some incorrect wording. The law says *"affecting* commerce," which is far broader than *"engaged* in interstate commerce." The Department of Labor's (DOL) Solicitor has determined that virtually everybody is covered by this law because of the phrase *"affecting* commerce."

22. Q. Will municipal government agencies be required to participate in recordkeeping and reporting provisions of the act? If such requirement exists, what directive or reference source established the requirement?

A. Recordkeeping and reporting for State and local government employees will be required only when a State plan for carrying out the provisions of the act is effective. (See Sec. 18(c)(6) of the Act.)

23. Q. Is an injury occurring on a U.S. flagship recordable regardless of the ship's location? What if the ship is in international waters? Or in a foreign port?

A. The problem here involves Section 4(a) of the Act, which limits applicability to work places in a State, etc. The issue is whether a U.S. Flag vessel will be covered once it leaves the territorial waters of the United States. Because of jurisdictional uncertainties, a solution to this will rest upon a decision from the DOL Solicitor's Office.

24. Q. Are the working family members of farmers or ranchers considered employees? Must the farmer maintain records to cover them?

A. No. Immediate family members of the farm employer are not regarded as employees.

25. Q. Are OSHA records to be maintained on "exchange labor?"

A. No. "Exchange labor" is usually just an informal arrangement among neighborhood farmers to help out one another. No formal employer-employee relationships exist.

26. Q. When does coverage begin for an employee in travel status? When he leaves home? At terminal? At airport, train station, etc?

A. When he leaves home.

27. Q. Does the act contain special provisions with respect to treatment of Indians?

A. No. Under statutes of general application, Indians are treated as any other person unless Congress expressly provided for special treatment.

28. Q. Are persons employed by charitable and nonprofit organizations covered by the act?

A. Yes. Economic tests of the purpose for an organization may not be used as criteria for exclusion of an employer.

29. Q. Would churches or religious organizations be considered employers under the act if they employ persons in secular activities?

A. Secular hospitals, schools, commercial establishments, and administrative or office personnel employed by religious organizations are covered under the Act. Excluded from coverage are clergymen while performing religious services, and other participants in religious services.

30. Q. Are domestics covered by the act?

A. Individuals who, in their own residences, privately employ persons for the purpose of performing for the benefit of such individuals what are commonly regarded as ordinary domestic household tasks shall not be subject to the requirements of the act with respect to such employment.

DECISION AUTHORITY

31. Q. Every time a question comes up about who decides what is reportable, the answer is the employer. Why the employer? Why can't it be the company doctor? He—or the medical department—makes the decision as to whether an employee is capable of working after an injury.

A. The employer is responsible for keeping the records. He may delegate that responsibility to someone else, but the decision is ultimately the employer's. The Act does not talk about the responsibility of recordkeepers. It talks about the responsibility of the employer.

32. Q. Will the company doctor, the employee's doctor, or a third doctor make the determination that an injury or illness is recordable?

A. The employer must make the choice. Under Z16.1 standard there were rules saying that the physician authorized by the employer would make the decision. But under the new rules, the employer will have to get input, even from three doctors, and then he will have to determine whether the injury or illness is work-connected, or not.

33. Q. What authority decides if the injured is capable of working?

A. This decision must be the employer's. Everyone can quote a case where the employer and the employer's physician were certain that the man was perfectly able to work, but the injured man said he was not. If the employer is absolutely certain, he leaves the case off the log.

This is the gray area, and if you have any doubt about a case, enter it on the log; if it later turns out that the employee was able to perform his job, line it out.

DELAYED REPORTS

34. Q. If an employee does not report an injury at once, is there a time limit within which he may claim occupational injury?

A. There is no personal advantage to the employee in "claiming" an injury for these records, as there is in workmen's compensation records. If, for any reason, the injury is not recorded when it happens, it should be recorded as soon as it comes to the employer's attention. As in any other case, the employer must determine whether there was an injury, whether it resulted from a work accident, and whether it was of recordable extent or outcome. If the answers are yes, the injury should be entered on the log with the date of occurence in column 2.

DEPARTMENT OF TRANSPORTATION

35. Q. Fatal accidents involving motor carriers must be reported to the U.S. Department of Transportation within 24 hours. Now these will be reported to BLS. Will this duplication continue?

A. One correction: the immediate report of fatalities under this act is to the OSHA Area Director, not BLS. So far, no means of eliminating the duplication has been worked out. (See appendix C.)

DOMESTIC EMPLOYEES

36. Q. Are domestics covered by the act?

A. (See answer No. 30 under "Coverage by the Act.")

EMPLOYEE

37. Q. If an employee who is working in a plant on a contract basis is injured, is he recorded on the plant records, or on the records of the contractor?

A. (See answer No. 20, under "Contract labor.")

38. Q. Are students under grants-in-aid or scholarships covered?

A. If they have an employee status, they are covered.

EMPLOYER

39. Q. Are stockholders in a corporation employers?

A. No. The corporation is the employer.

40. Q. Are partners in a partnership employers?

A. No. The partnership is the employer.

ESTABLISHMENTS

41. Q. Please expand on "establishment level." Where outlying plants may have one or two employees and the administrative workload of keeping separate records could be excessive, is there a provision for exemption?

A. The procedures for an exemption or petition are pretty clear in the regulations. If an employer desires an exception or exemption from the establishment definition, petition your Regional Director of the Bureau of Labor Statistics. He will make the determination.

The employer also will have to make known to his employees the nature of the petition and the exception requested.

It is imperative that BLS get this recordkeeping system down to the lowest possible level in the company, so the documentation and justification for an exception will have to be in clearcut and unassailable terms.

BLS anticipates few exceptions.

42. Q. In preparing the summary at the end of a year, can it be on a total company basis, or does it have to be broken down into the individual reporting locations, where some 80 locations might be involved?

A. The purpose of the summary (OSHA No. 102) is to provide the employees and management at the local level with information on the experience at the local establishment level. The answer, then, is that the summary should be provided at the establishment level rather than at a central location.

43. Q. While individual establishments must maintain records at their sites, can a company file a consolidated summary, and if so, is the summary submitted to Washington or to the regional offices?

A. The recordkeeping regulations provide that OSHA forms 100, 101, and 102 are to be maintained at the local establishment level. Recordkeeping rules changes issued on January 18, 1972, provide for centralized recordkeeping in some place other than the establishment, as long as there is available in each establishment both a log current to within 45 calendar days and, where an occupational injury or illness has occurred, a supplementary record (OSHA 101 or its equivalent) within 6 working days after the employer has knowledge that a recordable case has occurred.

At this time, two reports are to be made. Employers are to file a report with the OSHA Area Director within 48 hours of each accident or health hazard that results in one or more fatalities or hospitalization of five employees or more. In addition, information on occupational injuries and illnesses recorded under the Act will be collected from a sample of employers subject to the Act's coverage. Only those employers receiving an Occupational Injuries and Illnesses Survey reporting form (OSHA No. 103) at the end of the recordkeeping period are required to complete it within 3 weeks of receipt. The form is to be mailed to a participating State agency or to the Bureau of Labor Statistics, as indicated on the form.

44. Q. If an establishment has more than one operational facility, each having its own management, but where all facilities utilize one medical department and one personnel office, are separate logs required for each facility; or, can one log and one summary be kept for all facilities at one geographic location?

A. This gets back to the definition of "establishment." BLS wants individual logs for each facility.

45. Q. Will a construction contractor have to maintain records at each individual job site, or can the records be maintained at the regional or central office?

A. (See answer No. 17 under "Construction Industry.")

46. Q. How many sets of records must be kept in this case: One geographic location—Division A makes metal tools, Division B makes wooden chairs?

A. Are they separate establishments? If so, each division should keep its own records. When two divisions make such dissimilar products, they are probably separate establishments.

47. Q. Must records be kept by "department" at a multibuilding establishment where various departments are significantly different in hazard due to differences of operations?

A. No. if these departments constitute one establishment, only one set of consolidated records need be maintained.

48. Q. If each establishment keeps records rather than a central location, might this not result in many different interpretations of an injury?

A. Records should be kept at the establishment level; obviously some differences in interpretation will result. Hopefully, those differences can be kept to a minimum. The recordkeeping definitions purposely were kept simple in order to reduce the need for interpretations.

49. Q. If you have a manufacturing operation with a warehouse attached, will both need to keep records separately?

A. Yes, if the warehouse is a distinctly separate activity.

50. Q. Do fleet records have to be maintained separately? If several manufacturing facilities each have separate trucking operations do separate logs have to be maintained by each fleet?

A. If a fleet is a separate establishment, it requires a separate log and separate records. There is a separate recordkeeping responsibility.

There are, of course, operations which have a limited number of trucks, which are under the same supervision as other operations, and in which cases you cannot tell truck drivers from other employees in the employment records. In these cases, separate records for the trucks would not be kept.

51. Q. Will you please define "on premises" with regard to the trucking industry? A—is the cab of a truck the premises? B—what about loading and unloading? Is the driver or helper on the premises?

A. For purposes of completing the supplementary record (form OSHA No. 101), a truck on the road or loading and unloading away from its home base would be "off the employer's premises."

52. Q. What is the definition of "establishment" as it pertains to gas facilities?

A. The regulations state that in firms engaged in agriculture, construction, transportation, communications, and electric and gas services, which may be physically dispersed, records may be maintained at the place to which employees report each day. This is the point at which the records should be kept. There are problems in the case of pipelines, for example, but the above is the general rule.

FATALITIES

53. Q. Do fatalities from long-term occupational diseases have to be recorded or reported, if such diseases were contracted and diagnosed before July 1, 1971?

A. No. Generally, what goes onto the log and gets into the record is what happened in the recording period. Therefore, a long-term disease which began before July 1st (effective date of the Act) should not be recorded on the log, unless it was diagnosed as an occupational illness after July 1.

Fatalities resulting from occupational illnesses diagnosed before the effective date of the Act (July 1, 1971) are not reportable. Fatalities occurring

at some later time as a result of occupational illnesses or injuries which have been logged properly (in the correct recording period) are reportable.

As far as the summary at the end of the year goes, and for any statistical reports, fatalities that should be reported are those that occurred by the time the summary was made and by the time the statistical report was filled out. In the event a death attributable to an illness or injury previously recorded on the log should occur, a change would be made on the log, but the case would never get into the summary, and it would not get into the statistics. This is a weakness that could not be avoided. The Bureau recognized that it would lose some fatality reporting, but the decision was made that in terms of simplicity, it had to be done this way.

54. Q. How can fatalities resulting from heart attacks or like causes be reported within 48 hours when in most cases the employer cannot determine in that period whether or not it is occupationally related?

A. When in doubt of the occupational origin of a fatality, report it. The report can be cancelled or withdrawn later, if it is determined that the case was not occupational in origin.

55. Q. What is the procedure by which an employer can cancel a report of fatality to the OSHA area director if the death proves to be not work-related?

A. This question should be referred to the OSHA Area Director. (See appendix C.)

FIRST AID

56. Q. If there is more than one follow-up visit to the registered nurse for cuts or burns, is such an injury to be recorded under the new system?

A. If the second visit is simply for observation, or to change a band-aid or small bandage, the injury would not be recorded.

57. Q. Are the following considered "medical treatment" or "first aid?"

1. **Microthermy treatments if offered only minimum times.**
2. **Heat treatments.**
3. **Suture cases.**
4. **Prescriptions, when no other form of treatment is offered.**
5. **Whirlpool treatments.**
6. **Second visit for observation of small puncture.**
7. **Medication given for pain.**
8. **Foreign body removed from eye with no complications.**

A. Because BLS is committed to simple definitions to be interpreted by the employer, generalizations cannot be made about procedures which could be used in a variety of circumstances. As with the case of tetanus shots and diagnostic X-rays, these procedures *in and of themselves* should not be criteria for distinguishing between "first aid" and "medical treatment" cases.

58. Q. In our plant we do not have a nurse available on the second and third shifts. Injuries on these shifts are sent to the hospital. If this is the only time the injury is treated, does it have to be recorded?

A. If medical treatment is administered then the case is recordable. If only first aid treatment is administered, then the case is not recordable. See the definition on the back of the log, OSHA No. 100. The kind of treatment is the determining factor, not the place.

59. Q. The injured employee returns to his normal duties after receiving first aid; is this recordable?

A. If he receives only first aid, the case is not recordable. On the other hand, if he receives more than first aid, it is recordable. But if no time is lost, except on the day on which the injury occurred, it would not be recordable as a *lost workday* case.

60. Q. If an employee is treated in the medical department but does not need a doctor's care, such as for cuts, burns, etc., does a report need to be made of the injury?

A. If the case comes under the definition of "medical care" rather than "first aid," a record would have to be maintained. It is entirely possible, particularly in companies that have a highly developed medical staff, that doctors sometimes will provide first aid treatment. In such cases, even though first aid treatment is given by a doctor, the case would not be recorded.

61. Q. It appears that the law's definition of "first aid single treatment" will allow employers to consider many injuries as nonreportable by stretching the one-treatment concept. Would you comment on that?

A. Some stretching is possible with treatment of this type. On the other hand, one of the things planned within the next year is the development of a quality control program for the recordkeeping system in order to study the extent to which this kind of thing is occurring.

BLS can ask only that the employer be as honest as possible in the recordkeeping.

62. Q. The term "medical treatment" is used in the recordkeeping section of the act, but this term is not defined. What is its definition? Also, can first aid be given by a doctor, as well as a nurse?

A. Medical treatment includes treatment by a physician or by a registered professional under the standing orders of a physician, but it does not include normal first aid treatment *even when administered by a physician.* First aid treatment is defined as one-time treatment and subsequent observation of minor scratches, cuts, burns, splinters, etc., which do not ordinarily require medical care.

FORMS

63. Q. Should we stop using the injury report forms we now use and request the forms in the booklet?

A. Employers must use the summary form (OSHA No. 102) or petition for variation. Employers can use an equivalent to the log (OSHA No. 100), if it is completed in the detail provided and according to the instructions contained in the log, provided that the information contained in the equivalent is as readable and comprehensible to a person not familiar with the substitute as the OSHA form itself. The same situation pertains to forms equivalent to the supplementary record (OSHA No. 101). Employers may keep any other records at their own discretion.

GAS INDUSTRY

64. Q. What is the definition of "establishment" as it pertains to gas facilities?

A. (See answer No. 52 under "Establishments.")

HEARING LOSS

65. Q. How should long-term hearing loss be reported? Does the reporter, under the law, have any responsibility for testing employee's hearing and in dispensing of hearing aids? What compliance recommendations do you have?

A. BLS cannot comment on the standards and compliance aspects of this question. In order to distinguish between injuries and illnesses, it is necessary to determine the extent of exposure to the hazardous environment. For recordkeeping purposes, hearing loss resulting from *prolonged exposure* to a noisy environment is considered an occupational illness (code 26) whereas hearing loss due to a *single incident* is classified as an occupational injury (code 10).

HEART ATTACK

66. Q. Do we record and report under OSHA an employee dying of a heart attack while phoning the office from a phone booth while having his car washed? The workmen's compensation carrier set up a reserve for this case.

A. First, it is prudent for the insurance carrier to set up a reserve whenever there is any possibility of work connection.

Some additional information is needed to make a decision in this particular case. Why was the person calling the office? Was he on some kind of duty? If he was a travelling salesman, or a travelling engineer, and he was working at the time he called in, it is quite possible that it would be considered work-related. But if it occurred on the employee's day off, and the heart attack had nothing to do with his work, it would not be considered work-related.

HERNIA

67. Q. Are there any specific requirements with respect to back cases or hernia cases similar to those in Z16.1?

A. No.

HOSPITAL EMPLOYEES

68. Q. If an employee in a hospital contracts an illness from a patient, and all employees in the

unit are given treatment to prevent further spread of the illness, is each person so treated considered a first aid case?

A. Such cases would not be entered on the log, because the employees are not injured or ill. Of course, the case of the person who contracted the disease should be entered on the log.

HOSPITAL TREATMENT

69. Q. In our plant we do not have a nurse available on the second and third shifts. Injuries on these shifts are sent to the hospital. If this is the only time this injury is treated, does it have to be recorded?

A. (See answer No. 58 under "First Aid.")

HOURS WORKED

70. Q. Concerning hours worked, how and on what form would this be reported?

A. Only on the survey report forms which are mailed to a sample of employers. The employer is asked to enter the total number of hours worked by all employees during the reporting period, but to exclude all nonwork time even though paid (vacation, sick leave, holidays, etc.). For those employees for whom actual hours worked are not available, the report form contains instructions for estimating hours worked.

INFORMATION SERVICES

71. Q. Where can I get answers to additional questions on reporting?

A. Call or write the Regional Office of the Bureau of Labor Statistics. (See the list of Regional Office telephone numbers and addresses in appendix D.)

INNOCULATION

72. Q. If an employee in a hospital contracts an illness from a patient, and all employees in the unit are given treatment to prevent further spread of the illness, is each person so treated considered a first aid case?

A. (See answer No. 68 under "Hospital Employees.")

INSPECTION

73. Q. Does a high injury rate increase the possibility of a visit from an inspector? What connection does the inspecting department have with the recordkeeping department?

A. Arrangements have been made with the Occupational Safety and Health Administration for BLS to make available to them reports on individual establishments and companies. In mid-1972, OSHA had not reached any final decision on means of selecting establishments for inspection, but expected to be guided by industry rates rather than individual reports.

INSURANCE CARRIER AND WORKMEN'S COMPENSATION

74. Q. Does a workmen's compensation carrier have any responsibility or liability under OSHA?

A. Section 4(b)(4) of the act says that "nothing in this Act shall be construed to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, diseases, or death of employees arising out of, or in the course of, employment."

INTERPRETATIONS

75. Q. If each establishment keeps records rather than a central location, might this not result in many different interpretations of an injury?

A. (See answer No. 48 under "Establishments.")

76. Q. We have plants in Iowa and Illinois. It appears that the various area directors will have different interpretations of the standards, etc. What will you do to have uniformity so we can plan corporate program standards for all of our plants?

A. (See answer No. 16 under "Consistency.")

INTERSTATE COMMERCE

77. Q. Since all establishments engaged in interstate commerce are governed by the act, how do you identify such an establishment? For example, is a local grain elevator or farm feed and seed retail store covered?

A. (See answer No. 21 under "Coverage by Act.")

LIABILITY

78. Q. If the employer makes the determination on recording on other than a physician's evaluation, what is the employer's legal liability regarding possible unintentional reporting errors? Who has the legal liability—person who signs form, local manager, or a company executive officer?

A. An honest error in evaluating the injury will not constitute a violation. The liability applies to the person responsible for reporting—if the employer is a corporation, this person would have to be identified.

79. Q. The act states "Whosoever supplies false information. . . . is subject to penalty." Does this cover the employee and the employer, if either knowingly supplies false information?

A. Most of the penalty provisions in Section 17 of the Act apply to "any employer," but the penalty for false statements applies to "whoever knowingly makes any false statement. . . ." BLS believes this would apply to employers and employees alike.

LOG

80. Q. Can we use our own version of the log (OSHA No. 100) with modifications to include information we would like to gather?

A. Yes, any equivalent to OSHA No. 100 may be used provided it is complete in the detail and follows the instructions contained on OSHA No. 100. However, if an equivalent is used, such as a printout from data processing equipment, the information must be as readable and comprehensible to a person not familiar with the data processing equipment as the OSHA Form No. 100 itself.

81. Q. If an establishment has more than one operational facility, each having its own management, but where all facilities utilize one medical department and one personnel office, are separate logs required for each facility; or, can one log and one summary be kept for all facilities at one geographic location?

A. This gets back to the definition of "establishment." There should be individual logs for each facility.

82. Q. We understand that the log must be maintained for 5 years. Does this mean that entries on past years' logs would have to be changed if there were changes in the outcome of a recorded case?

A. Yes, logs must be kept current and retained for 5 years following the end of the calendar year to which they relate. If there is a change in the extent of or outcome of a case entered in the log, the first entry should be lined out and a new entry made. Also, an entry may be lined out if later found to be a nonoccupational injury or illness.

LOST WORKDAY CASES

83. Q. If an employee receives a minor injury —a fall, burn, or cut, requiring first aid only—but the injury is such that the person cannot perform normal duties for one to two days, is the case recordable?

A. Yes.

84. Q. A regular employee experiences a bona fide lost-time injury on a construction job. Before the employee is able to return to work, the job is completed and the employer leaves the area. How is this recorded on the log?

A. If we assume that this job was an establishment for which separate records were maintained, the establishment ceased to exist at the time the job was closed. Any injuries still undetermined at that time are treated as terminations with an entry in either column 10 or 12 of the log form.

But if the job was not a separate establishment and the employee was neither transferred nor terminated the actual number of days he would have worked but could not, because of his injury or illness, should be entered on the log.

85. Q. An injured employee is terminated or transferred for reason not related to the injury, how is the injury recorded? Lost workday case or nonfatal without lost workdays?

A. Assuming that the question refers to a permanent transfer, it would depend on whether he lost workdays before separation.

86. Q. When long-term (1 year) medical restrictions (no lifting over 30 pounds) are placed on an injured employee and he is returned to work with these restrictions, when do lost workdays cease to accumulate?

A. If such restrictions prevent him from performing any duties normally assigned to his job, then each day shall be counted that he cannot perform all the regular duties. Some long-term restrictions may be regarded as assignment to a modified job.

87. Q. If an employee is permanently transferred from his regular job because of a systemic effect of toxic material (i.e., elevated blood lead) is this recorded as permanent time loss?

A. There is no such category as permanent time loss. If any workdays were lost the case would be recorded as a lost workday case, checked as a permanent transfer case, and the number of workdays lost before the transfer would be recorded. If no workdays were lost, it would be recorded as a nonfatal case without lost workdays and checked as a transfer case.

88. Q. If total disability would end the count of lost workdays for a case, would retirement likewise end the count?

A. Yes, separation because of total disability and separation by retirement would have the same effect.

89. Q. If normal work schedules encompass overtime (6 days) are the overtime days counted as lost workdays?

A. Yes. If the employee would have worked the overtime days had he not been injured, then the days should be counted.

90. Q. How does the employer handle lost workdays for employees who are off the job due to "work stoppages" or strikes?

A. Lost workdays are to be counted for only those days the injured or ill employee would have worked but could not. Thus, no lost workdays are counted if he would not normally have worked because of a work stoppage.

MEDICAL TREATMENT

91. Q. Is this a recordable injury? An employee receives a small laceration, the doctor or nurse dresses it. A day or two later, nurse examines cut, sees that it is healing satisfactorily, applies antiseptic and dismisses patient. She tells him to let her know if he has any trouble. Nothing develops. If the answer is no, what if nurse examines and replaces band aid two or more times?

A. If the laceration would not ordinarily require medical care, this would be a first aid case and not recordable.

Also see questions and answers given under "First Aid."

MIGRANT LABOR

92. Q. How does the recordkeeping requirement apply to the sections of the law that concern safety in migrant labor camps? Is it the same as for other areas?

A. Yes. Migrant labor camps are covered the same as any other segment of the economy. BLS recognizes that there are some very serious problems in how recordkeeping can be maintained and intends to address itself to remedying these problems.

MINING

93. Q. If we come under the inspection jurisdiction of another federal agency, do we still have to participate in the OSHA recordkeeping program?

A. The introduction to the Recordkeeping Requirements pamphlet has a statement on that. It says if an employer is required to keep records under the Mining Act he does not have to keep records under OSHA.

This does not mean that all mining company employees are excluded from the new Act. If a min-

ing company has a company store, and the Bureau of Mines does not require a record for the company store, then the company store would fall under OSHA.

BLS has had a number of discussions and conversations with the Bureau of Mines and is hoping that in the very near future the Bureau will be able to consolidate the two recordkeeping systems so that one report will satisfy all needs.

One other thing with regard to reporting under the Mine Safety Acts. There have been a number of arrangements for voluntary reporting of data to the Bureau of Mines. Regarding these, a determination has now been made that, henceforth people who have been reporting to the Bureau of Mines on a voluntary rather than mandatory basis are now covered by the Occupational Safety and Health Act.

MOTOR VEHICLE FLEETS

94. Q. To what extent will motor carriers be covered under OSHA since they are under Department of Transportation regulations?

A. They are under U.S. Department of Transportation regulations for certain kinds of accidents, but they are covered by the Occupational Safety and Health Act for injuries and illnesses that are required to be reported under this system.

95. Q. Do fleet records have to be maintained separately? If several manufacturing facilities each have separate trucking operations do separate logs have to be maintained by each fleet?

A. (See answer No. 50 under "Establishments.")

NONOCCUPATIONAL CASES

96. Q. An employee is sent to the doctor for a definite diagnosis. The doctor decides the employee's condition is not related to his work. Where do you put this one on the log?

A. If the employer is in agreement with the doctor, he does not put the case on the log; it is not connected with his work.

OCCUPATIONAL ILLNESS

97. Q. With the exception of fatalities, lost workday cases, and nonlost workday cases, are occupational illnesses recorded only if they require treatment beyond the initial day reported?

A. The dividing point between being recordable in the case of *injury* is between medical treatment, unconsciousness, restriction of work or motion, transfer to another job on the one hand; and first aid on the other.

But first aid is not very common in occupational illness, so what BLS is looking for here is a diagnosis. A diagnosed occupational illness reported to the employer is recordable. The definition says that an illness shall be recorded as of the date of diagnosis; or, if the diagnosis follows a period during which a person has been unable to perform for unknown reasons, the date entered should be the first day of absence under that spell of illness.

Also see questions and answers given under "Alleged Injury or Illness," "Fatalities," and "Hearing Loss."

OVERTIME

98. Q. If normal work schedules encompass overtime (6 days) are the overtime days counted as lost workdays?

A. (See answer No. 89 under "Lost Workday Cases.")

PENALTIES

99. Q. I recently read about an employer being cited and fined for failing to report an employee being hospitalized due to an injury. Where is this requirement stated in Part 1904 of the publication of the 2nd of July?

A. The regulations do not require a report of a single hospitalization. The regulations do require that every fatality be reported to the OSHA Area Director within 48 hours, or any accident or occurrence involving *five* hospitalized cases or more. (See appendix C.)

Also see questions and answers under "Liability."

PERMANENT DISABILITY

100. Q. Doesn't the OSHA recordkeeping procedure cause a permanent partial disability to show

up as less serious on records than a temporary disability because of the provision to stop counting lost workdays through redefining of job or a permanent transfer to another job?

A. A case resulting in permanent disability may cause fewer lost workdays than a temporary total disability case. However, if it results in transfer or termination, that fact will be recorded. The number of transfers or terminations will provide some index of the seriousness of cases.

101. Q. Is there a provision involving amputation of part of a finger or toe that does not result in lost workdays?

A. (See answer No. 8 under "Amputation.")

102. Q. If total disability would end the count of lost workdays for a case, would retirement likewise end the count?

A. (See answer No. 88 under "Lost Workday Cases.")

PETITIONS FOR VARIATIONS

103. Q. How fast will various requests for variances be acted on?

A. BLS Regional Offices will move as soon as possible; however, when several petitions reflect the same problem BLS will attempt to solve it by a general rules change. This involves some time.

The procedures for an exemption or petition are pretty clear in the regulations. If an employer desires an exception or exemption from the establishment definition, he should petition the Regional Director of the Bureau of Labor Statistics for an exception. The Regional Director will make the determination.

The employer also will have to make known to his employees the nature of the petition and the exception requested.

PHYSICIAN

104. Q. Is it mandatory for an injured party to go to the company doctor, or can he go to his own family doctor?

A. The recordkeeping regulations do not speak to this question at all.

105. Q. Every time a question comes up about who decides what is reportable, the answer is the employer. Why the employer? Why can't it be the company doctor? He—or the medical department—makes the decision as to whether an employee is capable of working after an injury.

A. (See answer No. 31 under "Decision Authority.")

POSTER

106. Q. Could a company reproduce the black-and-white poster in four colors?

A. Yes.

107. Q. Will a facsimile copy of the poster, 70 percent of the size of the poster in the package, satisfy the posting requirements?

A. No. The poster must be full size.

POSTING SUMMARY

108. Q. What is supposed to be accomplished by posting Form No. 102 in the workplace?

A. Posting the annual summary provides the employees with the establishment's record of injuries and illnesses. There were many inputs into this recordkeeping system, not only through business and industry, but through labor groups and public interest groups. It was the general consensus among both labor and public interest groups that the employees were entitled to know the record of the company.

109. Q. Must the employer post the summary (No. 102) at the site of a seasonal operation if the site is shut down throughout the posting period?

A. The basic intent of the posting requirement is to inform the employees of the past year's injury experience for that establishment. Since posting in a deserted establishment would not meet this requirement, there is a question of how this requirement should be met.

110. Q. How long must the summary be posted at each establishment?

A. The Summary is to be posted by February 1 of each year and is to remain in place for 30 consecutive calendar days.

111. Q. Must you post a copy of the annual summary at each place within an establishment where notices are posted customarily or will the posting of only one copy comply with the law?

A. The regulations say that the summary is to be posted "at each establishment in a conspicuous place where notices to its employees are posted customarily."

PRE-EXISTING PHYSICAL DEFICIENCY

112. Q. What are the reporting requirements of pre-existing physical deficiencies so far as the act is concerned?

A. BLS is concerned with injuries and illnesses which are directly related to the workplace or to the occupational employment of the individual.

Each specific case must be examined to determine whether or not the injury or illness was related to the employee's work. There is no provision for considering previous physical deficiencies.

PREMISES

113. Q. An injury occurred on property where an employer conducts business operations. He neither owns nor leases the property, under OSHA would the property be considered the employer's premises?

A. The reference is to items 10 and 11 of Form OSHA 101. The key question concerns the degree to which the employer controls the accident site, not whether he owns or leases it. As a general rule, if the site is in an establishment of the employer, it is on his premises. Highway injuries and those to employees engaged in, for instance, installation or repair functions in a customer's home or establishment are off the premises. In intermediate situations, such as a contractor's activities on a construction site, the answer should be yes if the employer had any substantial control over working conditions and hazards on the site.

114. Q. Are the rights-of-way used by public utility companies considered to be the "employer's premises?"

A. Yes. The utilities have sufficient control over the rights-of-way to be considered the "employer's premises."

RAILROADS

115. Q. How does this act affect railroads? Will they be required to report certain of their employees under the act?

A. Yes. The only exception that was made in the recordkeeping package was for employees required to be recorded under the Coal Mine Health and Safety Act, and the Metal and Nonmetallic Mine Safety Act.

There is no exclusion as far as railroads are concerned.

RATES

116. Q. What is the basis of the injury rate?

A. The base now will be 200,000 manhours. This is one hundred full-time employees working 50 weeks, 40 hours a week. Although hours and weeks worked may vary somewhat from industry to industry, BLS will use the same base for all industries.

In extensive discussions BLS has had with the Business Research Advisory Committee, the point was made over and over again that this new way of expressing injury rates will be far more meaningful to the majority of people. This is one reason the change was made.

117. Q. When will accident data and rates be published and how often?

A. BLS is conducting an annual survey; data will be published annually. Collection of the information will take place after the summary is posted and a number of months will be required to review reports, make tabulations, and publish results.

118. Q. Do we include nonfatal cases without lost workdays in determining the frequency rate of an establishment?

A. Yes. The total incidence rate will in-

clude fatalities, lost workday cases and nonfatal cases without lost workdays.

119. Q. Does a high injury rate increase the possibility of a visit from an inspector? What connection does the inspecting department have with the recordkeeping department?

A. (See answer No. 73 under "Inspection.")

RECORDABILITY

120. Q. The injured employee returns to his normal duties after receiving first aid; is this recordable?

A. (See answer No. 59 under "First Aid.")

121. Q. If an employee is hurt during lunch break on the employer's premises, is the injury recordable?

A. Yes. The broad concept is that any injury or illness occurring in the work environment is recordable. The work environment is construed to include the total establishment.

122. Q. An employee is injured in an accident on the company parking lot. The accident occurs before the employee's scheduled reporting time. Is it a recordable case?

A. Yes. (See answer No. 121).

123. Q. If an auto accident driver is sent in for a physical without lost time and without any specific injury, should this case be recorded?

A. This would be in the nature of preventative medicine and would not be recordable under the regulation, unless the physical reveals an injury from the accident.

REPORTING

124. Q. Will we have to submit our records to OSHA?

A. The answer is "no." The employers who fall into our statistical sample will be required to report to the Bureau of Labor Statistics, or to cooperating States, at the end of the recordkeeping period.

The records at the individual establishment level, however, will have to be made available to compliance officers in the course of their inspection visits to the company.

125. Q. Are OSHA Forms 100, 101, or 102 to be mailed to any agency or representative? Are these forms considered as survey collection documents?

A. No. These forms are to be maintained in each establishment for 5 years following the end of the year to which they relate. OSHA Nos. 103 and 103A are to be mailed to BLS or State agency only on request.

126. Q. What is Form OSHA No. 103? Is completion of this form mandatory?

A. OSHA No. 103 is the BLS survey data collection document. Completion of the form is mandatory for those employers who are notified that they have been selected to be in the survey.

127. Q. While individual establishments must maintain records at their sites, can a company file a consolidated summary, and if so, is the summary submitted to Washington or to the regional offices?

A. (See answer No. 43 under "Establishments.")

128. Q. I recently read about an employer being cited and fined for failing to report an employee being hospitalized due to an injury. Where is this requirement stated in Part 1904 of the publication of the 2nd of July?

A. (See answer No. 99 under "Penalties.")

RESPONSIBILITY FOR ACCIDENT

129. Q. If an employee is injured on the job as the result of an outside agency, i.e., a subcontractor's employee, is the injury recordable?

A. Yes. Responsibility or fault for an accident does not affect recordability.

RESTRICTION OF MOTION

130. Q. What constitutes restriction of motion?

A bandage, sling, sore muscle, anatomical percentage loss, bruise? For what period of time?

A. All of these may or may not involve restriction of motion. Each case must be evaluated separately.

131. Q. Is a band aid for a cut on the finger joint a restriction of motion and recordable under the law?

A. This would have to be evaluated on a case-by-case basis.

132. Q. Please explain the difference between "restriction of work or motion" and "lost workday cases." One of the criteria for determining lost workdays is "employee unable to perform all duties of his regular job." Restriction of work or motion is listed under nonfatal without lost workdays.

A. There is a tendency to confuse the rules for determining whether a case is recordable with the rules for classification of extent of injury. If a case involves an occupational illness, it is recordable. A case is also recordable, if it involves an occupational injury *and* results in medical treatment other than first aid, *or* loss of consciousness, *or* restriction of work or motion, *or* transfer to another job.

Having determined that a case is recordable, it is necessary to classify it as either a death, lost workday case, or nonfatal case without lost workdays. Every day beyond the day of injury of which an employee is unable to perform all duties of his permanently assigned job is to be counted as a lost workday.

It is possible to have restriction of work or motion without having a lost workday case. There can be restriction of motion without interfering with one's job performance. If restriction of *work* does not extend beyond the day of injury, there will be no lost workdays.

SAMPLE REPORT FORMS

133. Q. Since only some employers will be selected for statistical reporting, will other employers be able to get sample copies of the forms? We might want to establish an internal statistical reporting system compatible with the federal system.

A. BLS will be glad to make copies available to any employer requesting them. Please contact your BLS Regional Office for these. (See appendix D.)

SCHOOLS

134. Q. Does the act apply to university and college levels in their entirety? Would it cover everyone?

A. Our understanding from the DOL Solicitor's Office is that practically all employers in the country are covered by the Act. Certainly, private university and college employers are covered, but students would not be unless they are employed on a full-or part-time basis. Graduate students with paid teaching assignments would be covered.

State and local government colleges and universities will not be covered until State plans are in effect.

135. Q. Are employees of local school districts covered in the Act?

A. They are not specifically covered by the act. But before a State's gaining approval of its State plan under the compliance program, the State has to assure the Secretary of Labor and the Assistant Secretary that the same rules, regulations, and procedures that apply in private industry will apply to its State employees, including local school employees.

At such time as the State comes into the State-Federal system, these employees will be covered basically by the same regulations.

136. Q. Are students under grants-in-aid or scholarships covered?

A. If they have an employee status, they are covered.

STATE AND LOCAL GOVERNMENT EMPLOYEES

137. Q. What will be the reporting requirements of federally-funded organizations?

A. If the question concerns private organizations which are on a contract basis with the Federal Government, they are subject to the Act the same as anyone else.

STATE PLAN

138. Q. When State plans are approved, will such States be required to adopt the same reporting forms as now are required by BLS?

A. Yes. Basic reporting would be identical, but States could add additional items to the BLS requirements.

139. Q. Assuming approval of a State plan, will reporting be to State agencies instead of to BLS; and if so, when?

A. As States come into the operation of the ongoing statistical program reporting will be directly to a designated State agency rather than to BLS.

SUMMARY, ANNUAL

140. Q. In preparing the summary at the end of a year, can it be on a total company basis, or does it have to be broken down into the individual reporting locations, where some 80 locations might be involved?

A. (See answer No. 42 under "Establishments.")

141. Q. If no recordable cases occurred during a report period, must an OSHA No. 102 be completed?

A. Yes. The summary must be completed and posted in each establishment no later than February 1, and remain in place for 30 consecutive calendar days. The form shall be signed by the person responsible for its preparation as certification that whatever information is contained on the form is correct.

SUPPLEMENTARY RECORD

142. Q. Will the information on OSHA Form 101 be important to future tabulations by your department, or will the information on State accident forms be acceptable?

A. The supplementary form will have great utility for the investigator and the compliance officer in the course of making an investigation of an individual company.

In addition, the supplementary form will be the basic document used by BLS for special studies and research projects. This form has a dual purpose—compliance on the one hand, and statistical data collection on the other.

143. Q. If our company injury form, which is generally similar to Form 101, does not include information such as social security number, male or female, etc., is it mandatory that we apply for a variance?

A. There is nothing mandatory about the format of supplementary form OSHA 101. BLS will require and prescribe that the elements be entered on some form that is used. In this case a longhand entry of the sex of the individual and the social security number would satisfy the need.

144. Q. Do we need to complete Form 101 if we presently use the State workmen's compensation form?

A. Workmen's compensation first report of injury forms are acceptable, if they contain all the items on the OSHA 101 or are supplemented to do so. Employers should be sure that all OSHA 101 items are on the first report forms. Employers may enter the missing items somewhere on the State form or provide the missing items on a separate attachment. They may consult the Regional Office of the Bureau of Labor Statistics for information about which items are missing on a particular State form.

145. Q. Our State workmen's compensation forms list only disabling injuries, therefore how can we use this in place of OSHA 101?

A. Some States require all injuries to be reported on their forms, others require only disabling injuries. If a State requires reports of disabling injuries only, the employer will have to use OSHA 101 or some acceptable substitute such as an insurance form or internal accident report form for the non-disabling injuries.

146. Q. Is there activity under way or contemplated to have various State workmen's compensation accident forms conform to OSHA Form 101 to avoid duplication of reporting?

A. Yes. Some States have recently revised their forms to bring them more closely into line with

the OSHA 101. Several States have come very close indeed. Many other States are revising their forms now. The Regional Office of BLS will be able to tell which items are missing from any State form.

147. Q. Does the information required in the supplementary Form No. 101 need to be in one file? While we do have the information, it is split up between our mailing department, safety department, and workmen's compensation department.

A. Yes, it must be in one file, on either OSHA 101 or a satisfactory substitute.

SUPPLIES

148. Q. Where can OSHA Forms 100, 101, and 102 be obtained?

A. These forms can be obtained through the Regional Offices of the Bureau of Labor Statistics. The Regional Office addresses and telephone numbers are listed in appendix D.

TEMPORARY JOB

149. Q. Please define "temporary job."

A. A temporary job is one to which an injured or ill employee is assigned temporarily, eventually returning to his regular job.

TETANUS INJECTIONS

150. Q. If an employee has a minor scratch but the doctor gives him a tetanus shot anyway, is that a recordable case?

A. Such tetanus shots should not be regarded as medical treatment: They are preventable in nature, and not treatments.

Usually a wound severe enough to warrant a tetanus shot requires medical treatment, such as suturing, which makes the case recordable anyway. If it should happen that the wound was so minor that it required only first aid treatment, then the giving of a tetanus injection in connection with that injury would not result in a recordable case, because no *medical treatment* was given.

TRANSFER

151. Q. Why is it required to record lost workdays for an injured person transferred to another job due to injury, when the employer still gets a day's work out of the employee? Many companies will resist this.

A. The workdays that are counted are those on which the employee cannot contribute a full day's work on all parts of his permanent job. The definition was chosen to be simple and uniform and to preclude concealment of significant injuries by temporary assignment to nonproductive jobs.

152. Q. May our employees shift from job to job within their occupational classification? If a person moves to another job within her occupation due to an accident, may we consider this not recordable?

A. If the switch or transfer is occasioned by an injury or illness, it is recordable.

153. Q. What about an employee who is not working at his regular job when injured, and after receiving treatment from a doctor he returns to his regular job, without limitation; should this case be counted?

A. Regardless of what the worker was doing at the time of injury, if the injury was work-connected, it would be counted.

The capability of doing his regular job determines whether or not he will be counted as losing days.

Of course, if the doctor gave only first aid there may be no recordable injury.

154. Q. If a man is injured to the degree that he is transferred to light duty, is the time spent on such duty recordable as lost workdays?

A. Yes.

155. Q. If an employee is permanently transferred from his regular job because of a systemic effect of toxic material (elevated blood lead) is this recorded as permanent time lost?

A. (See answer No. 87 under "Lost Workday Cases.")

156. Q. In casual day-to-day employment, a

worker is injured and does not return to the original employer. How is the lost time determined?

A. (See answer No. 13 under "Casual Employees.")

WORK RESTRICTIONS

157. Q. When long-term (1 year) medical restrictions (no lifting over 30 pounds) are placed on an injured employee and he is returned to work with these restrictions, when do lost workdays cease to accumulate?

A. (See answer No. 86 under "Lost Workday Cases.")

WORKMEN'S COMPENSATION

158. Q. Why can't the Department of Labor gather the information needed from the workmen's compensation records now kept?

A. Because workmen's compensation records are not uniform, often lack important information, and do not cover some recordable cases.

159. Q. We need a more definite relationship between the OSHA records and reports and the requirements of our state's workmen's compensation act. How best can this void be bridged?

A. Of course, there is no direct connection between workmen's compensation laws and recordkeeping requirements under the Occupational Safety and Health Act. Nevertheless, it would be advantageous to employers, State workmen's compensation agencies, and the Federal agencies to have greater uniformity in recordkeeping and reporting. A number of State workmen's compensation agencies have indicated that they will revise their first report forms to make them fully acceptable in place of OSHA 101. This is a start; BLS hopes that more can be done in the future.

160. Q. Do you need to complete Form 101 if you presently use the State workmen's compensation form?

A. (See answer No. 144 under "Supplementary Record.")

161. Q. Our State workmen's compensation forms list only disabling injuries, therefore, how can we use this in place of OSHA 101?

A. (See answer No. 145 under "Supplementary Record.")

162. Q. Is there activity under way, or contemplated, to have various State workmen's compensation accident forms conform to OSHA Form 101 to avoid duplication of reporting?

A. (See answer No. 146 under "Supplementary Record.")

163. Q. Does a workmen's compensation carrier have any responsibility or liability under OSHA?

A. (See answer No. 74 under "Insurance Carrier and Workmen's Compensation.")

164. Q. What entries, if any, need to be made in those instances of employer-employee disputes involving State workmen's compensation measures to determine the facts related to alleged injuries or deaths?

A. (See answer No. 7 under "Alleged Injury or Illness.")

X-RAYS

165. Q. An employee is involved in an accident while driving on the highway and is taken to a hospital for X-rays. The X-rays indicate no fracture. Is this a recordable case?

A. Diagnostic X-rays are not considered medical treatment. In fact, such an X-ray may indicate that no treatment is needed. If this employee received no medical treatment and was able to continue working at his permanent job, this case is not recordable under the regulations.

Z16.1

166. Q. How can we compare our OSHA injury and illness records with earlier records based on Z16.1 and other procedures?

A. The considerable differences between the definitions of the two systems will make any comparison very difficult—almost impossible. BLS

is hoping that it will be able to link the records by means of a crossover survey. The Bureau is going to work on this, but does not expect to generate a multiplier that can be applied to one series to learn what the rates or totals would have been under the other. It is too complicated. BLS will be doing studies to determine whether some sort of factor can be applied to the records to make this comparison.

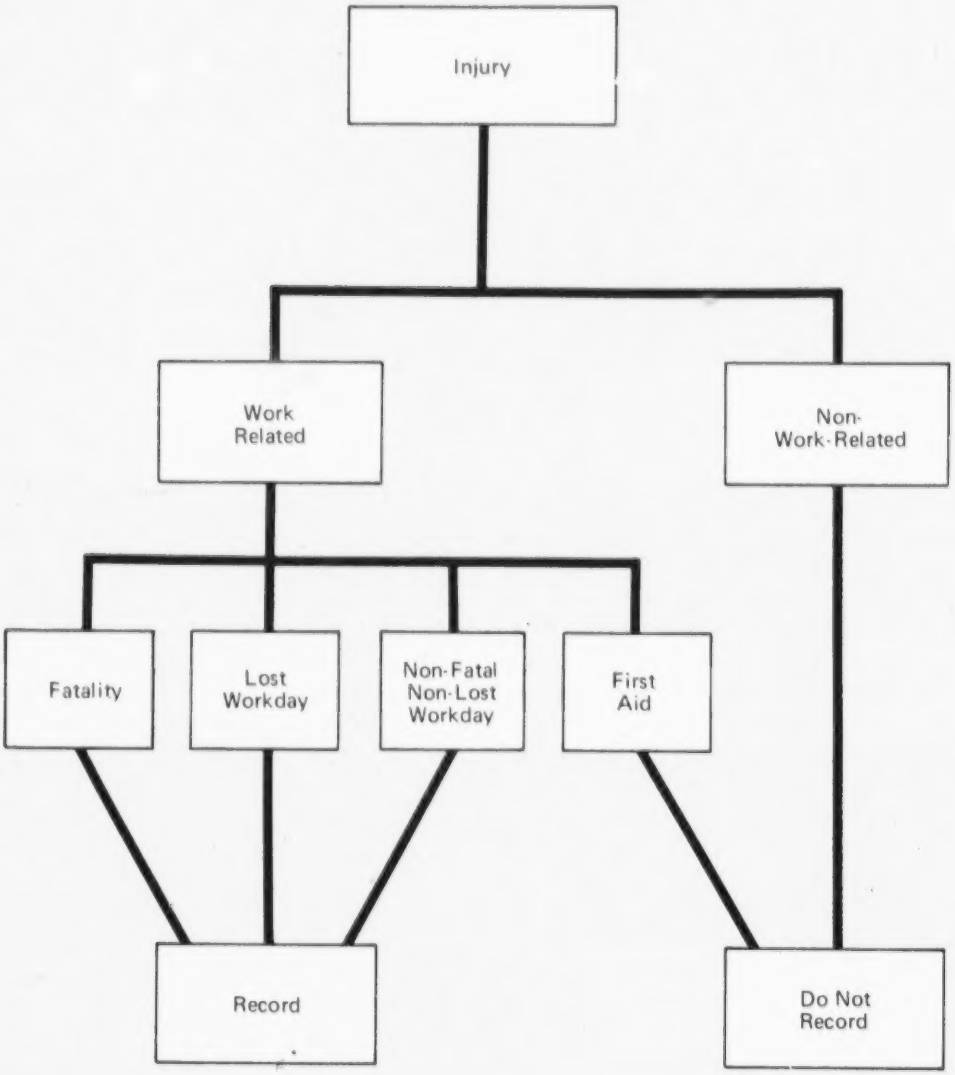
The Bureau realizes that the price it will pay for the new, simpler definitions is a break between Z16.1 records and the new records; and it is a high price to pay, but BLS did it consciously. The Bureau will not know exactly, by comparing the two sets of records, what happened since the Act was first passed.

167. Q. Should records to determine a frequency or severity rate be discontinued? Will frequency rates now be meaningless?

A. The OSHA recordkeeping system does not replace Z16.1. The National Safety Council will continue to use Z16.1 records as the basis of its data collection for work injury rates, and contests and awards programs. The Council urges its members not to discontinue use of Z16.1 at this time. Use of the Z16.1 standard always has been voluntary and will remain so.

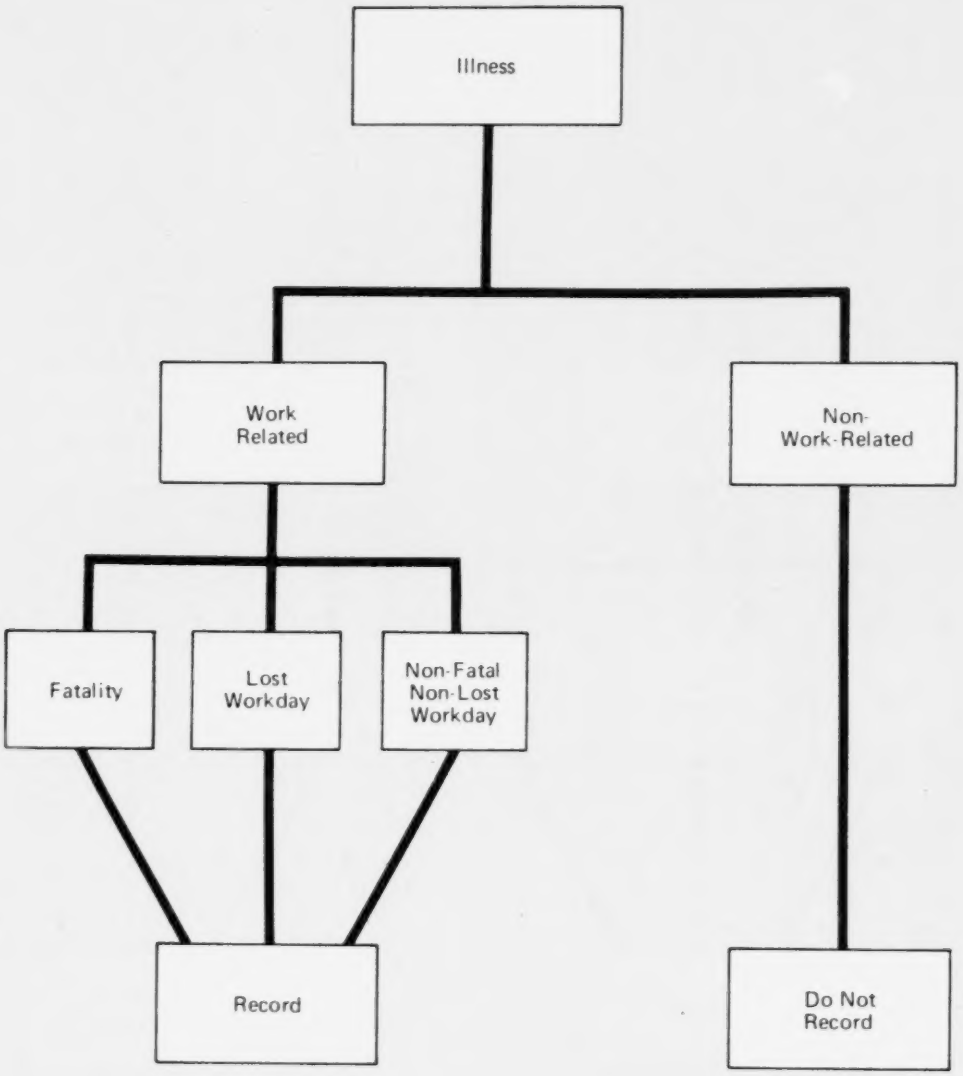
Appendix A

Conditions Necessary for the Recording of Occupational Injuries Under the Occupational Safety and Health Act



Appendix B

Conditions Necessary for the Recording of Occupational Illnesses Under the Occupational Safety and Health Act



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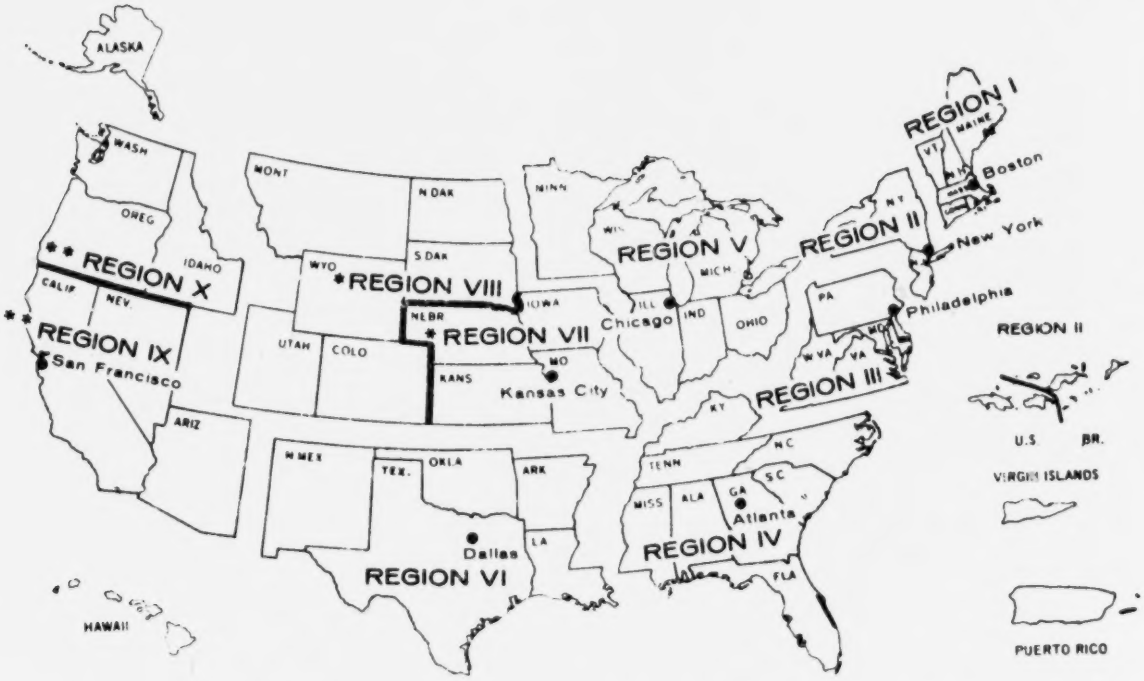

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